Last Payoff In Cover-Up Pinpointed

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The special Watergate prosecutors have what they believe is proof that the final Watergate cover-up "hush money" payment was made on the evening of March 21, 1973, about 12 hours after President Nixon has claimed he expressed disapproval of the payment scheme, according to informed sources.

In recent interviews, Mr. Nixon's lawyers have disputed the date of the $75,000 payment because, according to several informed sources, its authorization and delivery on March 21, coupled with the tape-recorded White House meeting on the subject earlier that day, could be used as evidence that Mr. Nixon was part of the cover-up conspiracy.

The key to establishing the date of the payment was a dinner attended by former Nixon campaign aides Fred C. LaRue and Manyon M. Millican, along with a personal friend of LaRue who was visiting from out of town for only one day, the day that LaRue remembered transferring $75,000 after dinner.

Credit card records of travel expenses and hotel accommodations of LaRue's friend firmly established the date of that visit and the dinner as March 21.

After the dinner that evening, Millican, 47, who was in charge of voter canvassing in the 1972 Nixon re-election campaign, was given a plain envelope by LaRue and asked to deliver it in person to an address in the Maryland suburbs. Millican did not know what the envelope contained or what the purpose was of its delivery, the sources said, and thus was an unwitting messenger not knowingly involved in illegal activity.

The address in the Maryland suburbs was the home of William O. Bittman, attorney for Watergate conspirator E. Howard Hunt Jr. The envelope contained $75,000, mostly in $100 bills taken from a fund managed by LaRue for payments to the Watergate conspirators, according to later testimony before the Senate Watergate Committee.

Attorneys in the special Watergate prosecutor's office did not realize the significance of the date of the payment until earlier this year, the sources said. They decided that pinpointing the date would be crucial, according to the sources, after they listened to the tape recording of the March 21 meeting in the White House between Mr. Nixon and former White House counsel John W. Dean III.

It was at this meeting that Mr. Nixon has said that Dean made his first full presentation on the extent of the Watergate cover-up and the payments made to the conspirators to buy their silence. Dean initially testified that this meeting took place on

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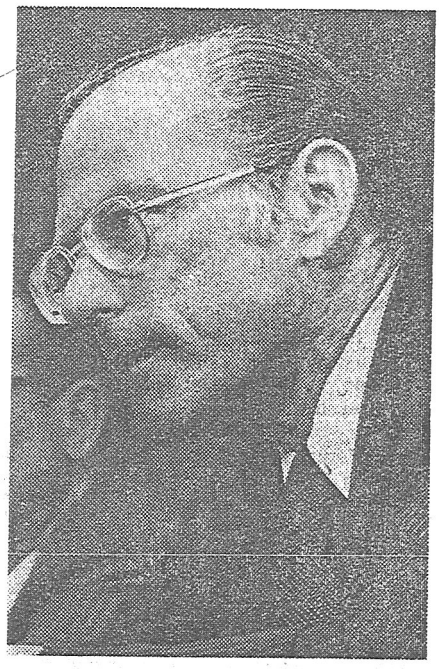
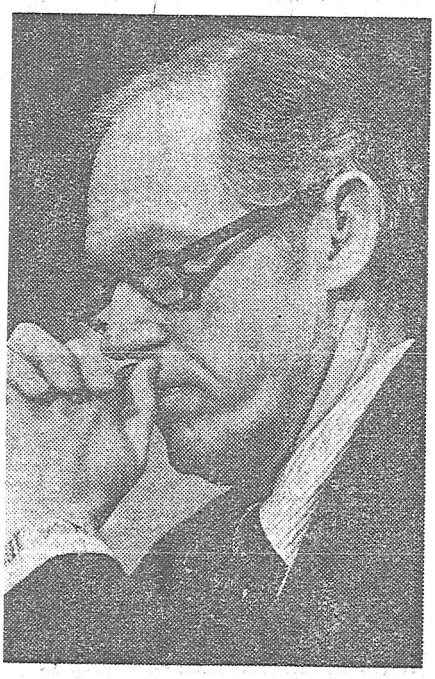
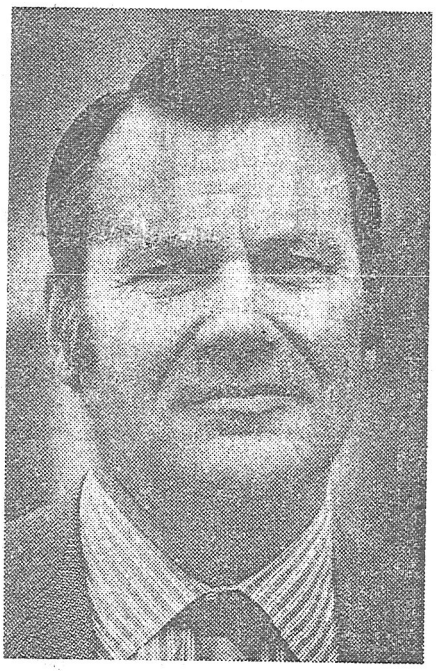


FREDERICK C. LaRUE
. . . friend delivered cash



E. HOWARD HUNT JR.
. . . requested money



WILLIAM O. BITTMAN
. . . cash went to his house

Meeting on March 21, 1973, crucial to Mr. Nixon's cause. Page A8.

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March 13 but, according to sources, now agrees that it was March 21.

The President has said that he indicated at the morning meeting that it was "wrong" to try to buy the silence of the original Watergate conspirators. According to informed sources, however, the President's statement on the tape applied specifically to offers of executive clemency to the conspirators.

In his recent press conference on March 6, Mr. Nixon also said his disapproval was expressed about executive clemency, but by extension he was also disapproving payments to the conspirators. "I meant that the whole transaction was wrong, the transaction for the purpose of keeping this whole matter covered up."

But sources said that some who have heard the tape concluded that the President's statement was not necessarily in the context that it would be legally or morally "wrong." Rather, they said the context suggests only that it would be "wrong" to think such a payoff scheme could achieve its purpose of maintaining the conspirators silence indefinitely.

After listening to the tape of the March 21 Nixon-Dean meeting, the sources said the prosecutors concluded that they had one or two elements necessary before they could establish Presidential involvement in the cover-up conspiracy, namely participation in a discussion of illicit activity. The second element would have to involve a subsequent "overt act" in furtherance of such a conspiracy.

Mr. Nixon himself has said the March 21 tape is subject to different interpretations," though his interpretation is that he was disapproving the entire cover-up scheme of both hush money payments and offers of executive clemency.

After listening to and transcribing the March 21 tape, the prosecutors began looking at what happened after the Nixon-Dean meeting, the sources said.

Testimony of several witnesses including LaRue before the Senate Watergate committee revealed that the cover-up payments continued into March, 1973. So the Watergate prosecutors began casting about for some way to fix the date by trying to learn when Howard Hunt made his last demand for money. Paul O'Brien, one of the attorneys for the Nixon campaign, had testified that he received a request from Hunt for about $120,000 in mid-March.

O'Brien could not remember the exact date. He was questioned and remembered that it was after his birthday, which was March 15.

O'Brien said that he received the request directly from Hunt at a meeting in the office of Hunt's attorney, Bittman. Bittman's records showed that Hunt and O'Brien had met in his office to discuss the request on March 16.

Bittman was sure that he then received the envelope at his home some time after March 16 but before March 23, when a letter from Watergate conspirator James W. McCord to U.S. Judge John J. Sirica was made public. In that letter, McCord disclosed that the conspirators had been paid money in return for their silence.

Contrary to several published reports, sources this week said that Bittman was unable to establish the date he received the envelope containing $75,000 at his home in the Maryland suburbs.

That left LaRue, who had sent the money to Bittman. But LaRue could not remember either.

One source described the situation as follows:

"The prosecutors started asking LaRue everything he could remember about that day . . . he was gone over with a vacuum clearer, asked everything, if he had picked up his laundry that day and so forth."

LaRue remembered the dinner that night with Millican and the out-of-town friend. So the prosecutors subpoenaed the personal records of LaRue's friend and checked the man's movements on the day he was in Washington.

Those records firmly fixed the date of his visit and the dinner as March 21. With the help of the records, LaRue was able to give sworn testimony that the last hush money payment was sent out to Bittman's house about 10 p.m., on March 21.

Millican told The Washington Post earlier this week that he had not consulted an attorney but would do so to determine if he should speak with a reporter.

Later, Millican said he talked with an attorney who recommended that he not answer any questions.

Two sources said that Millican is not able to say independently that March 21 was the night he made the delivery to Bittman's house. However, Millican did recall that the delivery was made the night he had dinner with LaRue and LaRue's friend. These sources were unwilling to disclose the name of LaRue's friend to The Post.

LaRue testified before the Senate Watergate Committee that Dean had specifically refused to authorize the final $75,000 payment. According to LaRue's testimony, Dean "said that he was out of the money business, that he was no longer going to be involved in it." Accordingly, LaRue testified, he got the authorization from former Attorney General John N. Mitchell.

Mitchell has confirmed that he authorized a $75,000 payment for legal fees in a telephone conversation with LaRue, but he too could not remember the date, the sources said.

Records of long distance calls from LaRue in Washington to Mitchell in New York City exist for many days in March, the sources said, including March 21. But LaRue is certain that the Mitchell authorization was made the same day of the actual delivery to Bittman.

In its indictment of seven former White House and Nixon campaign aides in the Watergate cover-up, a U.S. grand jury here charged last week that the transfer of the final $75,000 was set in motion by former White House chief of staff H. R. Haldeman, who had attended a portion of Mr. Nixon's March 21 meeting with Dean that morning. The indictment charged that later in the day Haldeman called former Attorney General John N. Mitchell, who called LaRue, who sent the money to Bittman.

In his recent press conference, President Nixon also said that, following the March 21 White House meeting, he directed Haldeman, Mitchell, Dean and former White House aide John D. Ehrlichman to "find what would be the best way to get the whole story out."

The Watergate indictment charged that just the opposite occurred.

On March 22, the next day, according to the indictment, Mitchell assured Ehrlichman that Howard Hunt was not a "problem" any longer and Ehrlichman assured others in the White House that Hunt would not reveal certain matters.